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KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

5

HEARING

BEFORE THE

SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS

OF THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

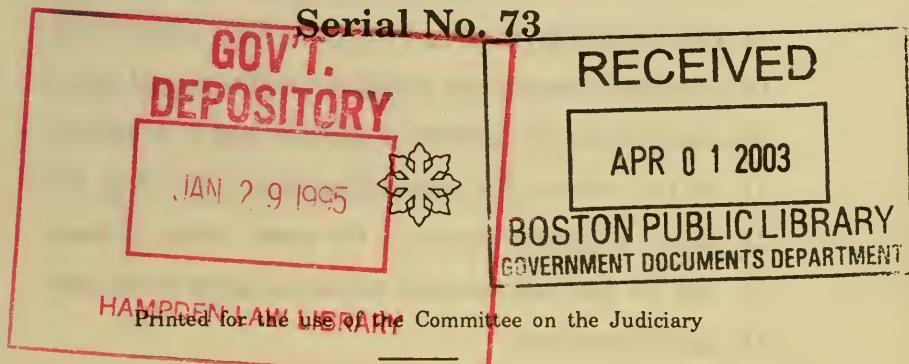
ON

H.R. 4896

TO GRANT THE CONSENT OF THE CONGRESS TO THE KANSAS
AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

SEPTEMBER 27, 1994

Serial No. 73



85-044 CC

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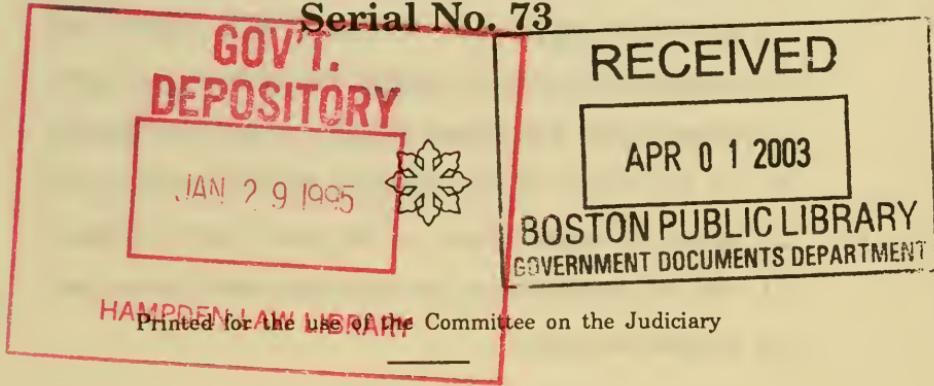
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1 "KANSAS AND MISSOURI METROPOLITAN
2 CULTURE DISTRICT COMPACT

3 "ARTICLE I. AGREEMENT AND PLEDGE

4 "The states of Kansas and Missouri agree to and
5 pledge, each to the other, faithful cooperation in the future
6 planning and development of the metropolitan culture dis-
7 trict, holding in high trust for the benefit of this people
8 and of the nation, the special blessings and natural advan-
9 tages thereof.

10 "ARTICLE II. POLICY AND PURPOSE

11 "The party states, desiring by common action to fully
12 utilize and improve their cultural facilities, coordinate the
13 services of their cultural organizations, enhance the cul-
14 tural activities of their citizens, and achieve solid financial
15 support for such cultural facilities, organizations and ac-
16 tivities, declare that it is the policy of each state to realize
17 such desires on a basis of cooperation with one another,
18 thereby serving the best interests of their citizenry and
19 effecting economies in capital expenditures and oper-
20 ational costs. The purpose of this compact is to provide
21 for the creation of a metropolitan culture district as the
22 means to implementation of the policy herein declared
23 with the most beneficial and economical use of human and
24 material resources.

103D CONGRESS
2D SESSION

H. R. 4896

To grant the consent of the Congress to the Kansas and Missouri
Metropolitan Culture District Compact.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1994

Mr. WHEAT (for himself and Mrs. MEYERS of Kansas) introduced the
following bill; which was referred to the Committee on the Judiciary

A BILL

To grant the consent of the Congress to the Kansas and
Missouri Metropolitan Culture District Compact.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONSENT TO COMPACT.**

4 The Congress consents to the Kansas and Missouri
5 Metropolitan Culture District Compact entered into be-
6 tween the State of Kansas and the State of Missouri. The
7 compact reads substantially as follows:

KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

TUESDAY, SEPTEMBER 27, 1994

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:35 p.m., in Room 2226, Rayburn House Office Building, Hon. John Bryant (chairman of the subcommittee) presiding.

Present: Representatives John Bryant, and George W. Gekas.

Also present: Paul Drolet, counsel; Nichole Jenkins, assistant counsel; and Cynthia Blackston, chief clerk.

OPENING STATEMENT OF CHAIRMAN BRYANT

Mr. BRYANT. The subcommittee will come to order. The Chair would like to express his apologies to all those who were primed to be here at 10 this morning. Due to the arrival of President Yeltsin and a few other things, we were short of Members and couldn't have succeeded in having a meeting at that time, so we rescheduled the meeting until now and I am grateful to all of you for being here.

At this time, the subcommittee will hold a hearing on H.R. 4896, a bill to grant the consent of Congress for the Kansas and Missouri Metropolitan Culture District Compact, introduced by Congressman Wheat, which would authorize the formation of a special taxing district to provide financial support for cultural programs and facilities in a metropolitan culture district composed of counties in Kansas and Missouri. Both Kansas and Missouri State Legislatures have enacted identical compact language.

[The bill, H.R. 4896, follows:]

C O N T E N T S

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TEXT OF BILL

H.R. 4896	2
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COMMITTEE ON THE JUDICIARY

JACK BROOKS, Texas, *Chairman*

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NICHOLE JENKINS, *Assistant Counsel*
RAYMOND V. SMIETANKA, *Minority Counsel*

1 “ARTICLE III. DEFINITIONS

2 “As used in this compact, unless the context clearly
3 requires otherwise:

4 “(a) ‘Metropolitan culture district’ means a political
5 subdivision of the states of Kansas and Missouri which
6 is created under and pursuant to the provisions of this
7 compact and which is composed of the counties in the
8 states of Kansas and Missouri which act to create or to
9 become a part of the district in accordance with the provi-
10 sions of Article IV.

11 “(b) ‘Commission’ means the governing body of the
12 metropolitan culture district.

13 “(c) ‘Cultural activities’ means activities which con-
14 tribute to or enhance the aesthetic, artistic, historical, in-
15 tellectual or social development or appreciation of mem-
16 bers of the general public.

17 “(d) ‘Cultural organizations’ means nonprofit and tax
18 exempt social, civic or community organizations and asso-
19 ciations which are dedicated to the development, provision,
20 operation, supervision, promotion or support of cultural
21 activities in which members of the general public may en-
22 gage or participate.

23 “(e) ‘Cultural facilities’ means facilities operated or
24 used for participation or engagement in cultural activities
25 by members of the general public.

1 “ARTICLE IV. THE DISTRICT

2 “(a) The counties in Kansas and Missouri eligible to
3 create and initially compose the metropolitan culture dis-
4 trict shall be those counties which meet one or more of
5 the following criteria:

6 “(1) The county has a population in excess of
7 300,000, and is adjacent to the state line;

8 “(2) The country contains a part of a city with
9 a population according to the most recent federal
10 census of at least 400,000; or

11 “(3) The county is contiguous to any county de-
12 scribed in provisions (1) or (2) of this subpart (a).

13 The counties of Johnson in Kansas and Jackson in
14 Missouri shall be sine qua non to the creation and
15 initial composition of the district. Additional coun-
16 ties in Kansas and Missouri shall be eligible to be-
17 come a part of the metropolitan culture district if
18 such counties are contiguous to any one or more of
19 the counties which compose the district and within
20 60 miles of the counties that are required by this ar-
21 ticle to establish the district;

22 “(b)(1) Whenever the governing body of any county
23 which is eligible to create or become a part of the metro-
24 politan culture district shall determine that creation of or
25 participation in the district is in the best interests of the

1 citizens of the county and that the levy of a tax to provide
2 on a cooperative basis with another county or other coun-
3 ties for financial support of the district would be economi-
4 cally practical and cost beneficial to the citizens of the
5 county, the governing body may adopt by majority vote
6 a resolution authorizing the same.

7 “(2) Wherever a petition, signed by not less than the
8 number of qualified electors of an eligible county equal to
9 5% of the number of ballots cast and counted at the last
10 preceding gubernatorial election held in the county and re-
11 questing adoption of a resolution authorizing creation of
12 or participation in the metropolitan culture district and
13 the levy of a tax for the purpose of contributing to the
14 financial support of the district, is filed with the governing
15 body of the county, the governing body shall adopt such
16 a resolution.

17 “(3) Implementation of a resolution adopted under
18 this subpart (b) shall be conditioned upon approval of the
19 resolution by a majority of the qualified electors of the
20 county voting at an election conducted for such purpose.

21 “(c)(1) Upon adoption of a resolution pursuant to
22 subpart (b)(1) or subpart (b)(2), the governing body of
23 the county shall request, within 36 months after adoption
24 of the resolution, the county election officer to submit to
25 the qualified electors of the county the question of whether

1 the governing body shall be authorized to implement the
2 resolution. The resolution shall be printed on the ballot
3 and in the notice of election. The question shall be submit-
4 ted to the electors of the county at the primary or general
5 election next following the date of the request filed with
6 the county election officer. If a majority of the qualified
7 electors are opposed to implementation of the resolution
8 authorizing creation of, or participation in, the district
9 and the levy of a tax for financial support thereof, the
10 same shall not be implemented. The governing body of the
11 county may review procedures for authorization to create
12 or become a part of the district and to levy a tax for finan-
13 cial support thereof at any time following rejection of the
14 question.

15 "(2) The ballot for the proposition in any county shall
16 be in substantially the following form:

17 "Shall a retail sales tax of _____ (insert
18 amount, not to exceed 1/4 cent) be levied and collected in
19 Kansas and Missouri metropolitan culture district consist-
20 ing of the county(ies) of _____ (insert name of
21 counties) for the support of cultural facilities and organi-
22 zations within the district?

23 YES NO

24 The governing body of the county may place additional
25 language on the ballot to describe the use or allocation
26 of the funds.

1 “(d)(1) the metropolitan culture district shall be cre-
2 ated when implementation of a resolution authorizing the
3 creation of the district and the levy of a tax for contribu-
4 tion to the financial support thereof is approved by respec-
5 tive majorities of the qualified electors of at least Johnson
6 County, Kansas, and Jackson County, Missouri.

7 “(2) When implementation of a resolution authoriz-
8 ing participation in the metropolitan culture district and
9 the levy of a tax for contribution to the financial support
10 thereof is approved by a majority of the qualified electors
11 of any county eligible to become a part of the district, the
12 governing body of the county shall proceed with the per-
13 formance of all things necessary and incidental to partici-
14 pation in the district.

15 “(e) Any of the counties composing the metropolitan
16 culture district may withdraw from the district by adop-
17 tion of a resolution and approval of the resolution by a
18 majority of the qualified electors of the county, all in the
19 same manner provided in this Article IV for creating or
20 becoming a part of the metropolitan culture district. The
21 governing body of a withdrawing county shall provide for
22 the sending of formal written notice of withdrawal from
23 the district to the governing body of the other county or
24 each of the other counties comprising the district. Actual
25 withdrawal shall not take effect until 90 days after notice

1 has been sent. A withdrawing county shall not be relieved
2 from any obligation which such county may have assumed
3 or incurred by reason of being a part of the district, in-
4 cluding, but not limited to, the retirement of any outstand-
5 ing bonded indebtedness of the district.

6 “ARTICLE V. THE COMMISSION

7 “(a) The metropolitan culture district shall be gov-
8 erned by the metropolitan culture commission which shall
9 be a body corporate and politic and which shall be com-
10 posed of resident electors of the states of Kansas and Mis-
11 souri, respectively, as follows:

12 “(1) A member of the governing body of each
13 county which is a part of the district, who shall be
14 appointed by majority vote of such governing body;

15 “(2) A member of the governing body of each
16 city, with a population according to the most recent
17 federal census of at least 50,000, located in whole or
18 in part within each county which is a part of the dis-
19 trict, who shall be appointed by majority vote of
20 such governing body;

21 “(3) A member of the arts commission of Kan-
22 sas or the Kansas commission for the humanities,
23 who shall be appointed by the governor of Kansas;
24 and

1 “(4) A member of the arts commission of Mis-
2 souri or the Missouri humanities council, who shall
3 be appointed by the governor of Missouri.

4 To the extent possible, the gubernatorial appointees to the
5 commission shall be residents of the district. The term of
6 each commissioner initially appointed by a county govern-
7 ing body shall expire concurrently with such commis-
8 sioner's tenure as a county officer or three years after the
9 date of appointment as a commissioner, whichever occurs
10 sooner. The term of each commissioner succeeding a com-
11 missioner initially appointed by a county governing body
12 shall expire concurrently with such successor commis-
13 sioner's tenure as a county officer or four years after the
14 date of appointment as a commissioner, whichever occurs
15 sooner. The term of each commissioner initially appointed
16 by a city governing body shall expire concurrently with
17 such commissioner's tenure as a city officer or two years
18 after the date of appointment as a commissioner, which-
19 ever occurs sooner. The term of each commissioner suc-
20 ceeding a commissioner initially appointed by a city gov-
21 erning body shall expire concurrently with such successor
22 commissioner's tenure as a city officer or four years after
23 the date of appointment as a commissioner, whichever oc-
24 curs sooner. The term of each commissioner appointed by
25 the governor of Kansas or the governor of Missouri shall

1 expire concurrently with the term of the appointing gov-
2 ernor, the commissioner's tenure as a state officer, or four
3 years after the date of appointment as a commissioner of
4 the district, whichever occurs sooner. Any vacancy occur-
5 ring in a commissioner position for reasons other than ex-
6 piration of terms of office shall be filled for the unexpired
7 term by appointment in the same manner that the original
8 appointment was made. Any commissioner may be re-
9 moved for cause by the appointing authority of the com-
10 missioner.

11 "(b) The commission shall select annually, from its
12 membership, a chairperson, a vice chairperson, and a
13 treasurer. The treasurer shall be bonded in such amounts
14 as the commission may require.

15 "(c) The commission may appoint such officers,
16 agents and employees as it may require for the perform-
17 ance of its duties, and shall determine the qualifications
18 and duties and fix the compensation of such officers,
19 agents and employees.

20 "(d) The commission shall fix the time and place at
21 which its meetings shall be held. Meetings shall be held
22 within the district and shall be open to the public. Public
23 notice shall be given of all meetings.

24 "(e) A majority of the commissioners from each state
25 shall constitute, in the aggregate, a quorum for the trans-

1 action of business. No action of the commission shall be
2 binding unless taken at a meeting at which at least a
3 quorum is present, and unless a majority of the commis-
4 sioners from each state, present at such meeting, shall
5 vote in favor thereof. No action of the commission taken
6 at a meeting thereof shall be binding unless the subject
7 of such action is included in a written agenda for such
8 meeting, the agenda and notice of meeting having been
9 mailed to each commissioner by postage paid first-class
10 mail at least 14 calendar days prior to the meeting.

11 “(f) The commissioners from each state shall be sub-
12 ject to the provisions of the laws of the states of Kansas
13 and Missouri, respectively, which relate to conflicts of in-
14 terest of public officers and employees. If any commis-
15 sioner has a direct or indirect financial interest in any cul-
16 tural facility, organization or activity supported by the dis-
17 trict or commission or in any other business transaction
18 of the district or commission, the commissioner shall dis-
19 close such interest in writing to the other commissioners
20 and shall abstain from voting on any matter relating to
21 such facility, organization or activity or to such business
22 transaction.

23 “(g) If any action at law or equity, or other legal pro-
24 ceeding, shall be brought against any commissioner for
25 any act or omission arising out of the performance of du-

1 ties as a commissioner, the commissioner shall be indem-
2 nified in whole and held harmless by the commission for
3 any judgment or decree entered against the commissioner
4 and, further, shall be defended at the cost and expense
5 of the commission in any such proceeding.

6 **"ARTICLE VI. POWERS AND DUTIES OF THE**
7 **COMMISSION**

8 "(a) The commission shall adopt a seal and suitable
9 bylaws governing its management and procedure.

10 "(b) The commission has the power to contract and
11 to be contracted with, and to sue and to be sued.

12 "(c) The commission may receive for any of its pur-
13 poses and functions any contributions or moneys appro-
14 priated by counties or cities and may solicit and receive
15 any and all donations, and grants of money, equipment,
16 supplies, materials and services from any state or the
17 United States or any agency thereof, or from any institu-
18 tion, foundation, organization, person, firm or corporation,
19 and may utilize and dispose of the same.

20 "(d) Upon receipt of recommendations from the advi-
21 sory committee provided in subsection (g), the commission
22 may provide donations, contributions and grants or other
23 support, financial or otherwise, or in aid of cultural orga-
24 nizations, facilities or activities in counties which are part
25 of the district. In determining whether to provide any such

1 support the commission shall consider the following fac-
2 tors:

3 "“(1) economic impact upon the district;
4 “(2) cultural benefit to citizens of the district
5 and to the general public;

6 “(3) contribution to the quality of life and pop-
7 ular image of the district;

8 “(4) contribution to the geographical balance of
9 cultural facilities and activities within and outside
10 the district;

11 “(5) the breadth of popular appeal within and
12 outside the district;

13 “(6) the needs of the community as identified
14 in an objective cultural needs assessment study of
15 the metropolitan area; and

16 “(7) any other factor deemed appropriate by
17 the commission.

18 “(e) The commission may own and acquire by gift,
19 purchase, lease or devise cultural facilities within the terri-
20 tory of the district. The commission may plan, construct,
21 operate and maintain and contract for the operation and
22 maintenance of cultural facilities within the territory of
23 the district. The commission may sell, lease, or otherwise
24 dispose of cultural facilities within the territory of the dis-
25 trict.

1 "(f) At any time following five years from and after
2 the creation of the metropolitan cultural district as pro-
3 vided in paragraph (1) of subsection (d) of article IV, the
4 commission may borrow moneys for the planning, con-
5 struction, equipping, operation, maintenance, repair, ex-
6 tension, expansion, or improvement of any cultural facility
7 and, in that regard, the commission at such time may:

8 "(1) issue notes, bonds or other instruments in
9 writing of the commission in evidence of the sum or
10 sums to be borrowed. No notes, bonds or other in-
11 struments in writing shall be issued pursuant to this
12 subsection until the issuance of such notes, bonds or
13 instruments has been submitted to and approved by
14 a majority of the qualified electors of the district
15 voting at an election called and held thereon. Such
16 election shall be called and held in the manner pro-
17 vided by law;

18 "(2) issue refunding notes, bonds or other in-
19 struments in writing for the purpose of refunding,
20 extending or unifying the whole or any part of its
21 outstanding indebtedness from time to time whether
22 evidenced by notes, bonds or other instruments in
23 writing. Such refunding notes, bonds or other instru-
24 ments in writing shall not exceed in amount the
25 principal of the outstanding indebtedness to be re-

1 funded and the accrued interest thereon to the date
2 of such refunding;

3 “(3) provide that all notes, bonds and other in-
4 struments in writing issued hereunder shall or may
5 be payable, both as to principal and interest, from
6 sales tax revenues authorized under this compact
7 and disbursed to the district by counties comprising
8 the district, admissions and other revenues collected
9 from the use of any cultural facility or facilities con-
10 structed hereunder, or from any other resources of
11 the commission, and further may be secured by a
12 mortgage or deed of trust upon any property inter-
13 est of the commission; and

14 “(4) prescribe the details of all notes, bonds or
15 other instruments in writing, and of the issuance
16 and sale thereof. The commission shall have the
17 power to enter into covenants with the holders of
18 such notes, bonds or other instruments in writing,
19 not inconsistent with the powers granted herein,
20 without further legislative authority.

21 “(g) The commission shall appoint an advisory com-
22 mittee composed of members of the general public consist-
23 ing of an equal number of persons from both the states
24 of Kansas and Missouri who have demonstrated interest,
25 expertise, knowledge or experience in cultural organiza-

1 tions or activities. The advisory committee shall make rec-
2 ommendations annually to the commission regarding do-
3 nations, contributions and grants or other support, finan-
4 cial or otherwise, for or in aid of cultural organizations,
5 facilities and activities in counties which are part of the
6 district.

7 “(h) The commission may provide for actual and nec-
8 essary expenses of commissioners and advisory committee
9 members incurred in the performance of their official du-
10 ties.

11 “(i) The commission shall cause to be prepared annu-
12 ally a report on the operations and transactions conducted
13 by the commission during the preceding year. The report
14 shall be submitted to the legislatures and governors of the
15 compacting states, to the governing bodies of the counties
16 comprising the district, and to the governing body of each
17 city that appoints a commissioner. The commission shall
18 publish the annual report in the official county newspaper
19 of each of the counties comprising the district.

20 “(j) The commission has the power to apply to the
21 congress of the United States for its consent and approval
22 of the compact. In the absence of the consent of congress
23 and until consent is secured, the compact is binding upon
24 the states of Kansas and Missouri in all respects permitted
25 by law for the two states, without the consent of congress,

1 for the purposes enumerated and in the manner provided
2 in the compact.

3 “(k) The commission has the power to perform all
4 other necessary and incidental functions and duties and
5 to exercise all other necessary and appropriate powers not
6 inconsistent with the constitution or laws of the United
7 States or of either of the states of Kansas or Missouri
8 to effectuate the same.

9 “ARTICLE VII. FINANCE

10 “(a) The moneys necessary to finance the operation
11 of the metropolitan culture district and the execution of
12 the powers, duties and responsibilities of the commission
13 shall be appropriated to the commission by the counties
14 comprising the district. The moneys to be appropriated to
15 the commission shall be raised by the governing bodies of
16 the respective counties by the levy of taxes as authorized
17 by the legislatures of the respective party states.

18 “(b) The commission shall not incur any indebtedness
19 or obligation of any kind; nor shall the commission pledge
20 the credit of either or any of the counties comprising the
21 district or either of the states party to this compact, ex-
22 cept as authorized in article VI. The budget of the district
23 shall be prepared, adopted and published as provided by
24 law for other political subdivisions of the party states. No
25 budget shall be adopted by the commission until it has

1 been submitted to and reviewed by the governing bodies
2 of the counties comprising the district and the governing
3 body of each city represented on the commission.

4 “(c) The commission shall keep accurate accounts of
5 all receipts and disbursements. The receipts and disburse-
6 ments of the commission shall be audited yearly by a cer-
7 tified or licensed public accountant and the report of the
8 audit shall be included in and become a part of the annual
9 report of the commission.

10 “(d) The accounts of the commission shall be open
11 at any reasonable time for inspection by duly authorized
12 representatives of the compacting states, the counties
13 comprising the district, the cities that appoint a commis-
14 sioner, and other persons authorized by the commission.

15 “ARTICLE VIII. ENTRY INTO FORCE

16 “(a) This compact shall enter into force and become
17 effective and binding upon the states of Kansas and Mis-
18 souri when it has been entered into law by the legislatures
19 of the respective states.

20 “(b) Amendments to the compact shall become effec-
21 tive upon enactment by the legislatures of the respective
22 states.

23 “ARTICLE IX. TERMINATION

24 “This compact shall continue in force and remain
25 binding upon a party state until its legislature shall have

1 enacted a statute repealing the same and providing for
2 the sending of formal written notice of enactment of such
3 statute to the legislature of the other party state. Upon
4 enactment of such a statute by the legislature of either
5 party state, the sending of notice thereof to the other
6 party state, and payment of any obligations which the
7 metropolitan culture district commission may have in-
8 curred prior to the effective date of such statute, includ-
9 ing, but not limited to, the retirement of any outstanding
10 bonded indebtedness of the district, the agreement of the
11 party states embodied in the compact shall be deemed fully
12 executed, the compact shall be null and void and of no
13 further force or effect, the metropolitan culture district
14 shall be dissolved, and the metropolitan culture district
15 commission shall be abolished.

16 **“ARTICLE X. CONSTRUCTION AND**
17 **SEVERABILITY**

18 “The provisions of this compact shall be liberally con-
19 strued and shall be severable. If any phrase, clause, sen-
20 tence or provision of this compact is declared to be con-
21 trary to the constitution of either of the party states or
22 of the United States or the applicability thereof to any
23 government, agency, person or circumstance is held in-
24 valid, the validity of the remainder of this compact and
25 the applicability thereof to any government, agency, per-

1 son or circumstance shall not be affected thereby. If this
2 compact shall be held contrary to the constitution of either
3 of the states party thereto, the compact shall thereby be
4 nullified and voided and of no further force or effect.

5 “(a) The board of county commissioners of any coun-
6 ty which has been authorized by a majority of the electors
7 of the county to create or to become a part of the metro-
8 politan culture district and to levy and collect a tax for
9 the purpose of contributing to the financial support of the
10 district shall adopt a resolution imposing a countywide re-
11 tailers' sales tax and pledging the revenues received there-
12 from for such purpose. The rate of such tax shall be fixed
13 in an amount of not more than .25%. Any county levying
14 a retailers' sales tax under authority of this section is
15 hereby prohibited from administering or collecting such
16 tax locally, but shall utilize the services of the state de-
17 partment of revenue to administer, enforce and collect
18 such tax. The sales tax shall be administered, enforced and
19 collected in the same manner and by the same procedure
20 as other countywide retailers' sales taxes are levied and
21 collected and shall be in addition to any other sales tax
22 authorized by law. Upon receipt of a certified copy of a
23 resolution authorizing the levy of a countywide retailers'
24 sales tax pursuant to this section, the state director of tax-
25 ation shall cause such tax to be collected within and out-

1 side the boundaries of such county at the same time and
2 in the same manner provided for the collection of the state
3 retailers' sales tax. All moneys collected by the director
4 of taxation under the provisions of this section shall be
5 credited to the metropolitan culture district retailers' sales
6 tax fund which fund is hereby established in the state
7 treasury. Any refund due on any countywide retailers'
8 sales tax collected pursuant to this section shall be paid
9 out of the sales tax refund fund and reimbursed by the
10 director of taxation from retailers' sales tax revenue col-
11 lected pursuant to this section. All countywide retailers'
12 sales tax revenue collected within any county pursuant to
13 this section shall be remitted at least quarterly by the
14 state treasurer, on instruction from the director of tax-
15 action, to the treasurer of such county.

16 "(b) All revenue received by any county treasurer
17 from a countywide retailers' sales tax imposed pursuant
18 to this section shall be appropriated by the county to the
19 metropolitan culture district commission within 60 days
20 of receipt of the funds by the county for expenditure by
21 the commission pursuant to and in accordance with the
22 provisions of the Kansas and Missouri metropolitan cul-
23 ture district compact. If any such revenue remains upon
24 nullification and voidance of the Kansas and Missouri
25 metropolitan culture district compact, the county treas-

1 urer shall deposit such revenue to the credit of the general
2 fund of the county.

3 “(c) Any countywide retailers' sales tax imposed pur-
4 suant to this section shall expire upon the date of actual
5 withdrawal of the county from the metropolitan culture
6 district or at any time the Kansas and Missouri metropoli-
7 tan culture district compact becomes null and void and
8 of no further force or effect. If any moneys remain in the
9 metropolitan culture district retailers' sales tax fund upon
10 nullification and voidance of the Kansas and Missouri
11 metropolitan culture district compact, the state treasurer
12 shall transfer such moneys to the county and city retailers'
13 sales tax fund to be apportioned and remitted at the same
14 time and in the same manner as other countywide retail-
15 ers' sales tax revenues are apportioned and remitted.”.

16 **SEC. 2. RESERVATION OF RIGHTS.**

17 The Congress expressly deserves the right to alter,
18 amend, or repeal this Act.

[The prepared statements submitted for the hearing follow:]

ALAN WHEAT
5TH DISTRICT MISSOURI

MEMBER
COMMITTEE ON
RULES

SELECT COMMITTEE ON
CHILDREN, YOUTH
AND FAMILIES

SELECT COMMITTEE
ON HUNGER



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KANSAS CITY MO 64108-1957
942-4545

301 WEST LEXINGTON #221
INDEPENDENCE MO 64050-2724
933-4545

Congress of the United States House of Representatives Washington, DC 20515-2505

TESTIMONY OF REPRESENTATIVE ALAN WHEAT
Before the Subcommittee on Administrative Law
and Governmental Relations
Committee on the Judiciary
September 27, 1994

On H.R. 4896
A bill to grant the consent of Congress to the Missouri and Kansas
Metropolitan Culture District Compact

Mr. Chairman, members of the subcommittee, I would like to thank you for convening this hearing for the consideration of H.R. 4896, a bill I sponsored with Representative Meyers of Kansas to grant Congressional consent to the Missouri/Kansas Culture District Compact. This proposal has the overwhelming support of the region's elected officials, civic organizations such as the Greater Kansas City Chamber of Commerce, the Cultural Alliance of Greater Kansas City, the Kaw Valley Arts and Humanities board, along with the bi-state area's planning authority, the Mid-America Regional Council.

Simply put, this compact will allow the voters in five Missouri and Kansas counties to join together as one entity to support cultural activities that benefit the entire region. Let us be clear that this is not a tax increase, nor a mandate for one. It will instead allow taxpayers on both sides of the Missouri-Kansas state line to decide jointly whether to approved increased revenues to improve the quality of life in the region.

The district formed by the bi-state compact, upon approval of the voters, will be financed by a maximum .25 percent sales surtax, and will be overseen by a board of local citizens. That board, in turn, would encourage every community located within the district to seek funds to support theater groups, zoos, art fairs, music festivals, or any one of a number of cultural pursuits. This representative board would decide which projects would receive support. If this compact is approved, the Kansas City region could enhance its stature as the arts capital of the Midwest, a cultural gem in the Heart of America.

A great many people in both states have been active in trying to make this district a reality. Some of them have joined us today. These community leaders recognized that the already considerable cultural assets of the Kansas City metropolitan area could be greatly enhanced if citizens from Missouri and Kansas combined their dreams and resources in a unified effort to promote the educational and artistic endeavors of the region.

The proposed culture district is a triumph of vision and persistence, a dream shared by a cadre of communities. Most importantly, the beneficiaries of the culture district will be the residents who will enjoy an increased range of cultural activity in every county that chooses to join the district.

Testimony on H.R. 4896
September 27th, 1994
Page Two

Mr. Chairman, the definition of state sovereignty has evolved over the passage of time. States are important symbols of a common historical, political, and cultural identity, but the advance of technology and transportation have compelled a greater degree of cooperation between neighboring states.

For a bistate metropolis like ours, cooperation has been spurred by a commonality of interests, values, and experiences. Still, the arbitrary border of a state line can stifle the good intentions of communities on either side of that line with unwieldy legal requirements and jurisdictional complications. Such complications have delayed submission of this compact to the voters of Missouri and Kansas for too long.

The many supporters of the culture district who have submitted their testimony in praise of H.R. 4896 are a testament to the compact's strength through diversity. Legislators from different districts on both sides of the state line, business leaders and civic activists all recognize the importance of presenting this plan to the voters of the metropolitan area. They know that the future of the bi-state region lies in cooperation, in nurturing those community institutions which improve the quality of life for all.

Since the first plans were laid for the culture district in 1986, supporters of the concept have walked through twin minefields of legalities and politics in Kansas and Missouri. They never deviated from their belief in the benefits of the compact for the people of the five-county region. We now have before Congress a proposed interstate compact that recognizes one of the greatest traditions of American democracy: the right of the people to come together and vote on an initiative that will directly enhance their community.

I hope the subcommittee will recognize the value of this compact both as a vehicle for the development of artistic endeavors in our region, and as a model for similar endeavors within the many bistate or tristate metropolitan areas in this nation. I hope that Congress will join these community leaders and the governments of Kansas and Missouri in overcoming the silent, yet potent barriers to cohesive planning that can be posed by a state line, by approving this visionary plan for a region of distinguished cultural achievement today, and unlimited potential in the future.

Thank you, Mr. Chairman, members of the subcommittee, for your assistance and your consideration of H.R. 4896.

Prepared testimony,
State Rep. Karen McCarthy, D-Kansas City
Subcommittee on Administrative Law and Government Relations
House Judiciary Committee
Sept. 27, 1994

I'll make my remarks brief today because I know the committee faces an enormous chore this week — passing tougher lobbyist laws. As a state legislator — and I hope, a member of Congress next January — I wish you the best in reining in the power of special interests.

For nine years, the greater Kansas City area — on both sides of the state line — has struggled to find a stable financial base for our cultural institutions, to increase tourism and convention business, and to expand public exposure to our museums, theatres and other arts facilities.

The 56 largest cultural groups in Kansas City draw an attendance of one-third more than the Kansas City Chiefs and Kansas City Royals combined. Four of these cultural institutions have national reputations and followings: the Nelson-Atkins Museum of Art; the Lyric Opera; the Missouri Repertory Theatre; and the Kansas City Symphony.

But of a mere \$50 million in operating funds for more than 200 not-for-profit and government agencies offering cultural events, only 19 percent comes from public sources.

Mid-America Regional Council, our bi-state planning commission, kicked off this effort to improve our cultural facilities in 1985, and its efforts were soon joined by Kansas City Consensus, a citizens planning group that proposed a bi-state cultural district with sales tax authority.

To make a long story short, Missouri and Kansas now have identical laws authorizing the formation of such a district, and HR4896 will provide the federal approval for this bi-state compact.

The local communities are planning on an April election to set the financial base for the district — a 1/4 cent sales tax levied throughout the district. I emphasize that the people must vote on whether to levy the tax — that's the law in Missouri, a fiscally conservative state.

The sales tax is expected to produce about \$32 million, or about \$11 per household, that a Bi-State District Commission would administer. The commission, largely composed of elected officials, would provide representation for all five counties, major cities and the two states' arts councils. The people would have a truly representative voice in how these funds are spent.

Beyond the cultural impact, we expect the Bi-State District to play a major role in boosting the economy of the metropolitan area.

An economic analysis of these agencies indicates that they now generate more than \$105 million in activity and 2,000 jobs. But when the Bi-State District begins operating, we look forward to:

- Substantially expanded tourism and convention business. Kansas City has just re-opened its vastly expanded Bartle Hall Convention and Visitors Center. Growing cultural and entertainment opportunities will only increase the city's ability to attract major meetings and conventions.
- A local source of funds to save and restore Kansas City's Union Station, the nation's second-largest railway terminal. Such funding will trigger substantial private contributions that will convert the station for use as an expanded museum or Science City.
- Stable funding for the district's many performing arts organizations that make the Kansas City area such a vibrant regional center.

Culture and the arts, in this vein, become a true investment in our communities that should promote economic growth and job opportunities.

I urge the quick approval of this legislation so that the five counties, communities like Independence and Kansas City, and cultural organizations can begin planning a major step forward for our metropolitan area.



GREATER KANSAS CITY ♥
CHAMBER OF COMMERCE

CHRISTOPHER E. BEAL
VICE PRESIDENT, GREATER KANSAS CITY CHAMBER OF COMMERCE
SUPPORT FOR H 4896

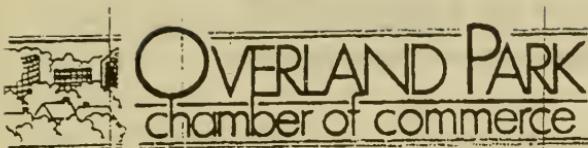
The Greater Kansas City Chamber of Commerce is in support of H 4896, granting the consent of Congress to create a metropolitan cultural district in the Kansas City metropolitan area.

The Greater Kansas City Chamber of Commerce is a metropolitan business organization with over 2,500 members in both Missouri and Kansas. For the past several years, this concept has been a key part of the Chamber's legislative programs in both Missouri and Kansas. Thanks to the hard work, leadership and patience of Senator Harry Wiggins and Representative Karen McCarthy in Missouri and Senator Audrey Langworthy and Representative Nancy Brown of Kansas, identical pieces of legislation would allow the voters of the Kansas City metropolitan area to enact up to a quarter-cent sales tax to support the arts and cultural institutions in the Kansas City area.

The Chamber would like to thank the area Congressional delegation for their support of this bistate compact. This bill is the last step to be taken prior to the vote of the Kansas City area.

Bistate cooperation is essential in our metropolitan area. Unlike most other cities, Kansas City straddles a state line. While much attention is given to issues that divide people, this bill represents an attempt to foster cooperation between the people of Missouri and Kansas in support of the region's arts and cultural institutions.

On behalf of the entire membership of the Greater Kansas City Chamber of Commerce, I urge your support for this important compact.



September 26, 1994

Representative John Bryant, Chairman
Subcommittee on Administrative Law & Government Relations
of the House Committee on the Judiciary
Washington, D.C.

Dear Chairman Bryant:

The Overland Park Chamber of Commerce supports the concept of a Bi-State Cultural District. Our efforts the last five years have been geared toward securing all proper legislation to enable the voters of the Kansas City Metropolitan area to decide on the Cultural District concept at some time in the future.

Toward that end, we urge your committee's and your support for the Inter-State Compact Bill HR 4896 which will allow us to proceed.

I apologize for our inability to present public testimony before your committee in person, however, I hope this letter and our attached current position will be noted to your committee and entered into the record.

Thanking you in advance for your support.

Sincerely,

Mary Birch

Mary Birch, CCE
President

cc: Senator Bob Dole
Senator Nancy Kassebaum
Representative Jan Meyers

TESTIMONY TO THE SUBCOMMITTEE ON
ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS
HOUSE COMMITTEE ON THE JUDICIARY

ON H.R. 4896
KANSAS AND MISSOURI METROPOLITAN CULTURE COMPACT

Representative John Bryant, Chairman
Members, Subcommittee on Administrative Law and Governmental Relations
of the House Committee on the Judiciary

The Mid-America Regional Council, the Kansas City area's association of local governments and metropolitan planning organization, asks you to support H.R. 4896 authorizing an Interstate Compact for the formation of a Bistate Cultural District in metropolitan Kansas City. MARC is a bistate organization governed by elected officials from counties and cities in both Kansas and Missouri.

The concept of a Bistate Cultural District was developed by a regional citizens organization, Kansas City Consensus, in 1985. Kansas City Consensus identified the need for public funding to support the metropolitan area's cultural facilities and organizations, including museums, performing and visual arts and zoos. The citizens organization also recognized that the entire bistate community benefits from such facilities and organizations and, therefore, should help contribute resources. Although there are a number of metropolitan areas across the country that cross a state line, there are very few like the Kansas City area where the population and resources are so evenly split on either side of the state line.

State enabling legislation for the Bistate Cultural District was introduced by Missouri Senator Harry Wiggins and Missouri Representative Karen McCarthy in 1986 and a bill was signed into law in 1987. Similar legislation was introduced in the Kansas Legislature by Kansas Senator Audrey Langworthy in 1988, but required several years before passage in 1991. Over the ensuing two years, revisions to the Missouri statute were made to ensure compatibility between the two state laws.

The state enabling legislation allows counties in the bistate Kansas City metropolitan area to form a special taxing district to support cultural facilities and organizations. The special district would have the authority to levy a small retail sales tax. The district would be governed by a commission composed of representatives from each county, major city and state. A majority of the voters in each county would be required to approve the formation of the district and the levying of the tax. Similar cultural districts have been formed recently in the Denver and Fresno metropolitan areas, although their districts did not cross state boundaries and require an Interstate Compact.

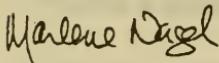
A number of organizations and local governments have been involved in this effort since 1985. The Mid-America Regional Council, through a community task force, has been involved in securing the state enabling legislation and with community planning for the cultural district. Area chambers of commerce and city and county governments in both states have supported the passage of the enabling legislation. Numerous organizations and individuals have been involved in the planning for this project.

There is strong support for the concept among civic, business and governmental leaders and organizations throughout the bistate Kansas City area. A public opinion survey of registered voters in the Kansas City area conducted last April found strong support, over 70 percent, in favor of the formation of the cultural district and the levying of a small retail sales tax.

An Interstate Compact authorized by Congress is required to allow counties in the bistate Kansas City area to form a special district across the state line. The Interstate Compact would give authority to that special district to raise and disperse public funds. Action by Congress is not mandating a local tax, but rather would allow voters in the Kansas City area to decide whether to form a special district and levy a local sales tax for their mutual benefit.

Planning in the community is now underway to determine an election date for voter consideration of the Bistate Cultural District, perhaps as early as April of next year. Action by Congress in this session will enable the Kansas City community to work together to support cultural resources that are shared by residents on both sides of the state line.

Respectfully submitted,



Marlene Nagel
Community Development Director
Mid-America Regional Council

September 26, 1994

Mr. BRYANT. At this time, I would invite to the witness table to testify on this bill the Honorable Pat Danner, the Honorable Harry Wiggins, State senator of Missouri; and Marlene Nagel, director, Community Development for the Mid-America Regional Council. We are glad to have each of you here. Why don't we just go from left to right. You are—

Ms. NAGEL. I am Marlene Nagel.

Mr. BRYANT. We will start with you and work to the right if that is all right.

Ms. NAGEL. I believe Representative Danner was going to start.

Mr. BRYANT. That is fine. I will let you decide.

STATEMENT OF HON. PAT DANNER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Ms. DANNER. Thank you, Mr. Chairman. Mr. Chairman, members of the subcommittee, I would like to thank you for convening this hearing for the consideration of H.R. 4896, a bill my colleague, Alan Wheat, sponsored with Representative Meyers of Kansas to grant congressional consent to the Missouri-Kansas Culture District Compact.

Alan had hoped to be here today to speak in support of his bill, which is the culmination of his years of work in support of the culture district, but pressing business kept him in Missouri. I am pleased to appear here in his place. This proposal has the overwhelming support of the region's elected officials, civic organizations such as the Greater Kansas City Chamber of Commerce, the Cultural Alliance of Greater Kansas City, the Kaw Valley Arts and Humanities Board, along with the bistate area's planning authority, the Mid-America Regional Council.

Simply put, this compact will allow the voters in five Missouri and Kansas counties to join together as one entity to support cultural activities that benefit the entire region. Let us be clear that this is not a tax increase nor a mandate for one. It will instead allow taxpayers on both sides of the Missouri-Kansas State line to decide jointly whether to approve increased revenues to improve the quality of life in the region.

The district formed by the bistate compact, upon approval of the voters, will be financed by a maximum one-quarter percent sales surtax and will be overseen by a board of local citizens. The board in turn would encourage every community located within the district to seek funds to support theater groups, zoos, art fairs, music festivals or any one of a number of cultural pursuits. This representative board would decide which projects would receive support.

If this compact is approved, the Kansas City region could enhance its stature as the arts capital of the Midwest, a cultural gem in the heart of America. Since the first plans were laid for the culture district in 1986—and I might digress from Congressman Wheat's prepared remarks to say that I was a member of the Missouri Senate when we did pass that legislation—supporters of the concept have walked through twin mine fields of legalities and priorities in both States of Missouri and Kansas. They never deviated from their belief in the benefits of the compact for the people of the five-county region.

We now have before us in Congress a proposed interstate compact that recognizes one of the greatest traditions of American democracy, the right of the people to come together and vote on an initiative that will directly enhance their community. I hope the subcommittee will recognize the value of this compact, both as a vehicle for the development of artistic endeavors in our region and as a model for similar endeavors within the many bstate or tri-state metropolitan areas in this Nation.

I hope that Congress will join these community leaders and the governments of Kansas and Missouri in overcoming the silent, yet potent barriers to cohesive planning that can be posed by a State line by approving this visionary plan for a region of distinguished cultural achievement today and unlimited potential in the future. I thank you, Mr. Chairman, members of your subcommittee for your assistance and for your consideration of H.R. 4896.

Mr. BRYANT. Thank you very much.
Senator Wiggins.

STATEMENT OF HARRY WIGGINS, STATE SENATOR, MISSOURI

Mr. WIGGINS. Mr. Chairman and members of the committee, my name is Harry Wiggins. I am Missouri State senator from the 10th District, which is south Kansas City and Jackson County. This idea was first proposed 10 years ago. I have been the sponsor in the Senate of this legislation these many years, as has representative Karen McCarthy in the House of Representatives, and the Honorable Pat Danner. It is nice to sit next to her in a committee again because our loss was your gain.

This is a novel idea. The reason it took us so long to get here is because of the technicalities of passing identical bills in the Missouri General Assembly and the Kansas Legislature. It took several years to do that, and when we finally thought we had it done 2 years ago, your congressional office advised us to make some technical changes which resulted in my bill this year, senate bill 428.

It is not a mandatory thing on any of the counties or communities involved. They will all have a vote on it. There is no tax increase unless the voters approve up to a quarter cent sales tax, but it is a golden opportunity for our area to, if you will excuse an expression from our Midwest area, plow new ground in something that really hasn't been done before between two States.

I am active in the National Conference of State Legislatures. They are extremely interested in this as a national model, and we come here with 10 years work behind us, our hats in our hands to ask for your approval. We thank you and your distinguished committee for hearing us.

Mr. BRYANT. Thank you very much.
Ms. Nagel.

STATEMENT OF MARLENE NAGEL, DIRECTOR, COMMUNITY DEVELOPMENT, MID-AMERICA REGIONAL COUNCIL

Ms. NAGEL. Thank you, Mr. Chairman, members of your committee. The Mid-America Regional Council, which is the Kansas City area's Association of City and County Governments and Metropolitan Planning Organizations serving communities on both sides of the State line, strongly urges your support of this House bill. We

are governed by a board of directors made up of city and county-elected officials, and they are in strong support of this legislation, as they have been for the State legislation that Senator Wiggins mentioned passed in both the Kansas Legislature and the Missouri General Assembly.

The concept of this bistate cultural district was first developed back in 1985, as Senator Wiggins said, almost 10 years ago, by a regional citizens organization, so it came forward from the community, as they identified the need for public funding to support our area's cultural organizations and facilities, including the zoo, museums, and performing and visual arts.

The citizens' organization also recognized that our entire community benefits from such facilities and organizations, and therefore should contribute resources and have some responsibility for doing so, and as Senator Wiggins and Representative Danner have mentioned, although there are a number of metropolitan areas around the country that cross a State line, because our community, unlike very few of those other metropolitan areas, is so evenly split along the State line, there is a sense that there is a need to share equally in terms of both responsibility and resources.

As has been mentioned, the State-enabling legislation was introduced first in Missouri by Senator Wiggins and by Missouri Representative Karen McCarthy in 1986, and the first bill was signed into law in 1987. Similar legislation was introduced the next year by Kansas Senator Audrey Langworthy, but required several years before its passage, and as Senator Wiggins mentioned, over the last several years we have been involved in working out differences in those two pieces of legislation so that we could come forward to Congress in our request for an interstate compact.

The State-enabling legislation allows the counties in our bistate Kansas City metropolitan area to form a special taxing district to support the cultural organizations and facilities within the community. It would have the authority to levy a small retail sales tax, and would be governed by a commission made up of representatives of the cities, counties, and the two States.

In order for the district to form, voters of each county would be required to approve the formation of the district and the levying of the tax, and although this would, as Senator Wiggins mentioned, be breaking new ground in terms of a bistate effort, there are similar cultural districts in the Denver metropolitan area and in the Fresno metropolitan area where those communities have recognized the need for metropolitan areas to support their cultural institutions with public funds.

As has been mentioned, there is considerable public and private support for this effort in the community. Our organization has been involved working with the State legislatures in getting the appropriate State legislation, but also in considerable community planning to get ready for this effort. The areas' chambers of commerce and city and county governments in both States have supported the passage of the legislation and support this interstate compact.

We conducted a public opinion survey last April of registered voters in the five counties in our bistate Kansas City area and there is overwhelming support among the public for this effort. Over 70 percent of those we surveyed indicated they would support the for-

mation of this district and the levying of a small retail sales tax. This interstate compact is required to allow the counties on either side of the State line to form the special district and would give them authority to raise and disburse public funds.

Action by Congress is not mandating a local tax, but rather would allow the voters in our Kansas City area to decide whether or not it is appropriate to form this special district and levy a tax for their mutual benefit. Planning in the Kansas City area is now underway to determine an election date for voter consideration of this bistate cultural district, perhaps as early as April of next year.

Action by Congress this session will allow the Kansas City community to work together to support cultural resources that are shared by residents on both sides of the State line. We appreciate very much your help and consideration of this bill, and thank you again.

Mr. BRYANT. Thank you. Well, we tried hard and couldn't find anybody against this compact. I don't have any questions about it. I am curious to know since we are talking culture here, I went on my honeymoon in Kansas City. It was a high budget honeymoon from Topeka where we got married and went to the Muhlenberg Theater, still got that one, a big beautiful old theater?

Mr. WIGGINS. Mulebach?

Mr. BRYANT. Mulebach, is that it?

Mr. WIGGINS. There was a Mulebach that is closed.

Mr. BRYANT. I guess it isn't there any more. Well, it is too late. This compact came too late. I have no questions.

Mr. Gekas.

Mr. GEKAS. No questions.

Ms. DANNER. Mr. Chairman, although the Mulebach is boarded up we invite you back to Kansas City, and we will show you Kansas City hospitality.

Mr. BRYANT. I would love to come again. We are only in need of some Members. Oh, excuse me, Mr. Mann, do you have any questions?

Mr. MANN. No, sir. Where are the other Members?

Mr. BRYANT. We will just hold here a minute. Well, the parliamentarian said it would be a good idea to adjourn the hearing. If there are no other questions of these witnesses, we thank you for being here, unless you have an additional comment.

Mr. WIGGINS. No, Mr. Chairman, thank you very much for your courtesy. If I can add a personal note, I spent 2 years in your State as a guest of the U.S. Army. I made a lot of friends there and I liked it very much.

Mr. BRYANT. Wonderful. We hope you will come back and spend some money. Thank you.

Ms. DANNER. Thank you, Mr. Chairman, members of the subcommittee.

Mr. BRYANT. OK, that ends the hearing.

The subcommittee is adjourned.

[Whereupon, at 2:55 p.m., the subcommittee adjourned.]



